

MINUTES ADOPTED BY THE CITY COUNCIL

Greenville, NC
February 12, 2004

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Dunn and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Marvin W. Davis, City Manager
Patricia A. Sugg, Deputy City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

Motion was made by Council Member Council and seconded by Council Member Craft to approve the agenda as presented. Motion carried unanimously.

SPECIAL RECOGNITIONS

Ms. Sandra Ellis was presented a plaque upon her retirement from the Information Technology Department.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Affordable Housing Loan Committee

Motion was made by Council Member Little and seconded by Mayor Pro-Tem Miller to reappoint Chris Darden and Kristina Harris to a first three-year term expiring February 2007. Motion carried unanimously.

Environmental Advisory Commission

Council Member Glover requested that this appointment be continued until March.

ORDINANCE AMENDING THE HORIZONS: GREENVILLE'S COMMUNITY PLAN - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on February 2 and February 9, 2004 setting this time, date and place for a public hearing to consider an ordinance adopting the revised Horizons: Greenville's Community Plan and the revised Land Use Plan Map. Planning and Zoning Commission voted to recommend approval of the request at its January 20, 2004 meeting.

Mr. Neil Holhouser, Senior Planner, reminded the Council that the original Horizons Plan was adopted in 1992 and was revised in 1997. In 2001, the City Council initiated the process of updating the plan again by appointing a 25-member Comprehensive Plan Committee that spent more than two years studying the plan, breaking it apart, trying to understand it, and trying to understand what had changed since 1997. Out of those efforts has come the draft update of the Comprehensive Plan.

Mr. Dale Holland of Holland Consultant Planners explained that there are few committees that he is aware of that have worked as diligently on a comprehensive plan. The draft revised plan reflects the desires and objectives of the citizens who participated in the process. A comprehensive plan is a guideline that paints a vision of what Greenville should be like in the future. It should reflect a consensus of public opinion because it is a physical and natural resource utilization guideline. Functional plans such as the capital improvement plan should use the comprehensive plan as a foundation for where resources are allocated. It should set goals and objectives for all aspects of the community, not only functional aspects but also the various geographical regions of the city and extraterritorial jurisdiction. The Comprehensive Plan should not be static document; it should be a continuous process. Greenville has done a very good job with managing that process over the years. Mr. Holland concluded by informing the Council that when he is asked for where comprehensive plans have been adopted and successfully implemented, he always cites Greenville. Mr. Holland encouraged the Council to adopt the Comprehensive Plan, as it is stronger than the one adopted in 1992. With its adoption, the City will have moved a step forward with improving the process.

Mr. Bryant Kittrell, Chairman of the Comprehensive Plan Committee, stated that he was on the 1992 Plan and the 1997 Horizons Update Plan Committee. The committee for the current draft Comprehensive Plan met for two years and had two dozen meetings. There were at least six public meetings to receive input from the citizens. Over 200 sites were looked at critically for the update. The Committee looked at commercial development and paid particular attention to environmentally sensitive areas. The Committee focused on how to make the community more livable and attractive. Input from citizens was carefully considered. Members of the Committee were recognized--Mary Alsentzer, Minnie Anderson, Connally Branch, Richard Cannon, Bob Christian, Martha Coffman, Evan Lewis, Chris Mansfield, Dick Tolmie, Lou Williamson, Mulatu Wubneh, Freddie Outterbridge, Richard Brown, Esmeralda Cabello-Black, Quentin Eaton, Steve Janowski, Ruth Leggett, Melvin McLawhorn, Richard Patterson, Candace Pearce, Dianne Poole, Walter Sadler, and Beryl Waters.

Mayor Parrott thanked Mr. Kittrell and the Committee for their commitment and dedication to the Comprehensive Plan. He then opened the public hearing and solicited comments from the audience.

Mr. Herb Garrison of 3906 South Hampton Court expressed concern about changing the northeast intersection of Evans Street and Fire Tower Road to a commercial area when the surrounding area is residential. The 25-member committee spent two years and listened to many citizens to help them determine the best way for Greenville to grow, and it was decided that this area should be residential. The Planning and Zoning Commission recently, without input from the citizens and the Comprehensive Plan Committee, voted to designate nearly three acres of that property as commercial. The neighborhood is opposed to commercial zoning on that corner due to the increase in traffic and the safety issue. If the City Council approves commercial development at the corner, it will be giving in to a well intentioned developer who now makes an original request for three acres of commercial property and then comes back and says that seven to fifteen acres of commercial zoning are needed to do the project right.

Ms. Mary Stone, a resident of South Hall, encouraged the Council to vote against designating the property at the intersection of Evans Street and Firetower Road as commercial, as it has been the subject of at least five rezoning requests in the last year. This is a single-family residential neighborhood, and commercial property does not fit into the area. Traffic is reaching a point of great danger and it is very difficult to get in or out of the neighborhood now. Traffic backs up for long periods of time, and it is very dangerous for the residents and for the children in the area. There is no basis for creating a small pocket of commercial property in the middle of a residential area. The Comprehensive Plan Committee met for two years and thought that this area should be residential. To request a change to commercial at the last minute without public input does not allow the neighborhood an opportunity to be heard. To change at this point to commercial will make a bad traffic situation worse, reduce the values of people's homes and make people question where they buy their homes and where they make their lives. Ms. Stone concluded by encouraging the Council to vote against the amendment.

Ms. Marion Blackburn read the following statement.

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This plan has been carefully designed by people from a wide spectrum of the community—those with concerns for development, those wishing to strengthen our neighborhoods and those wishing to preserve our environment and enhance our open, natural places. Greenville is at a crossroads. Every decision we make has long-term consequences. Many hard choices are now taking place for farmers, no longer able to carry out their traditional vocation. As their lands become available for growth, it is vital to make those decisions carefully and with much deliberation in order to prevent a sprawling hodge-podge of ugliness. Uneven, careless development will lead to a barren, soulless countryside and ruin the eastern North Carolina beauty that surrounds us. As we attract more professionals, they will expect more than a Starbucks. They will want to live in Greenville because we can provide what their communities no longer can—a livable city. That means carefully preserving our neighborhoods and local businesses. It means enhancing and expanding our natural parks and providing ample opportunities for people to be outdoors with their families. It means ensuring growth in the right

places—not in the floodplains. It means cherishing our creeks, meadows and swamplands, where precious exchange takes place that cleans our water, soil and air. We can especially treasure the great Tar River that in many ways defines us as a community. A growing concern is the uneven growth that threatens the roads leading into our city—especially NC 33 and NC 43. We can have commercial nodes in these areas, but we also risk developing a heavy and hazardous traffic burden. Moreover, sprawl will ruin the landscape that we escape to from the city. Again, I hope you will give approval to this land use plan, allowing the city to make careful decisions rather than random, haphazard ones.

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Mr. Chris Mansfield stated that he has been on the Planning and Zoning Commission twice and considered the lot at the intersection of Firetower Road and Evans Street several times. Designating that property commercial would go against what the people in the area expected the property to be and would reduce their property values. They had an expectation for a neighborhood. The Horizons Plan is intended for that very purpose, to give people some faith that the investment that they make is going to be a good one and the City won't change their opportunities without a lot of consideration. Changing the designation at the last minute is spot zoning. The proposed revision to the Comprehensive Plan is good and he encourages the Council to vote for the Plan.

Mr. Jim Hopf, Attorney, explained that he has been practicing environmental law for at least 15 of the last 17 years. He is sensitive to the necessity and vital balance between environmental preservation and protection on the one hand and economic development and responsible growth on the other. He is representing a number of citizens who own property north of the river that will be significantly impacted by the adoption of the revised Horizons Plan and land use plan map--Walter Williams; Kelly Barnhill; Harvey Lewis; Phil Carroll; and Collice Moore, who is a certified real estate appraiser and member of the Appraiser Institute and values properties for a living. A limitation on land uses in the area of the floodplains, which is what the Horizons Plan does, can severely reduce property values. The Tar River Floodplain Redevelopment Plan states that medium and high density residential uses should be relocated outside the 100 and 500-year floodplain boundaries, which is much too rigid. Mr. Hopf recommended a modification that would insert language before the second, third, fourth and fifth bullet items in number 33 to allow medium and high density residential uses within the 100 and 500 year floodplains if the finished floor elevation of the living units is at the 500 year flood elevation or greater. The City of Greenville has long sought to encourage certain kind of developments in the area north of the river--industrial development, commercial development and office development; however, as the Horizons Plan is worded, there is a ban on any medium or high-density residential development in this area. In the aftermath of the flooding in 1999, which was caused by unusual heavy rains and two back-to-back hurricanes, it has been suggested by the Horizons Plan that the City adopt a hard and fast rule that prohibits such development north of the river. While Mr. Hopf's clients recognize the underlying premise for such a restriction, they believe the goal can be achieved in a lesser restrictive manner that would protect against flood risks and which would allow for areas north of the river to receive the attention and economic development that they so desperately need. The proposed change would allow the City to continue to generally discourage residential development in these areas but would permit development to occur in a manner that is not likely to be impacted by flooding. The end result will be to permit the type of growth north of the

river, which would balance the desire for responsible progress and growth with the requirements designed to minimize the potential for damage and risk by flooding. This minor modification to the revised Horizons Plan would allow the City to discourage such development unless this condition is met. Mr. Hopf asked that the Council consider and vote on this requested modification to the Horizons Plan before considering approval of the Plan itself.

Mr. Henry Wells, a principal with Sungate Design Group in Raleigh, stated that this firm specializes in hydraulic design. With his 30 years of experience, he has worked closely with the Corps of Engineers, FEMA and TVA in the production of approximately 35 floodway modifications and approximately 50 no-impact certifications that have been approved by FEMA. Having been born and grown up in an area in eastern North Carolina about one hour northeast of here and having witnessed the hurricanes over the past 50 years that have impacted the area, he shares the City's interest and concerns about floodplain management and the regulation of development within floodplains. Through his career, he has done tremendous amounts of work in hydrology and has been to a lot of municipalities that have flood insurance studies. He has found that FEMA and the federal government have spent a good deal of time giving guidance to the municipalities and floodplain administrators as to how to administer floodplain ordinances within the municipalities. FEMA did a lot of research and put a lot of effort into what to regulate and how to regulate flood areas. Section II of the flood insurance study regarding Floodplains states that "to provide a national standard without regional discrimination the one percent annual chance flood has been adopted by FEMA as the base flood for floodplain management purposes...One aspect of Floodplain management involves balancing the economic gain from floodplain development against the resulting increase in flood hazards for purposes of the NFIP or the National Flood Insurance Program. Floodways are provided as a tool to assist local communities in the aspect of floodplain management. Under this concept the 1% annual chance or the 100-year storm river floodplain is divided into a floodway." Based on his experience, he has found that development within the floodplain outside the floodway can be managed if properly done with reasonable care. The Flood Insurance Study gives basic guidelines from which FEMA will allow a community to run the program for them and in turn be able to get flood insurance. One of the areas that he did not agree with is that the Flood Insurance Study required only that first floor elevations be elevated to the elevation of the base flood or the 100 year storm. When talking about 100-year storms and a massive rainfall, it can become a pretty nebulous term and to get an exact 100-year storm is very hard to put a finger on how that occurs. What his firm has been recommending to clients for a number of years is that no matter what the community requires, that finished floor elevations be set at least two feet above the base flood elevation for conservatism and for other engineering and technical aspects of the FEMA program. What is being proposed tonight is to go a little further by requiring finished floor elevations to be set at the elevation of the 500-year storm. In some cases the 500-year storm may be three or four feet higher than the 100-year storm such as the Tar River, where the 500-year storm in most areas is approximately 2 ½ feet higher than the 100-year storm. The North Carolina Floodplain Management has given them a list of communities obtained during their data gathering for the new Flood Insurance Study, and they have provided information as to what the communities around North Carolina provide as free board between finished floor elevation and the base flood or the 100-year storm. He has looked at 20 neighboring communities and what is being proposed now. Of those 20 communities, the elevation of the floor can be at the elevation of the 100-year storm in 5. If Greenville adopts the plan with the amendment to go with the 500-year elevation as the basis, it will far exceed that of neighboring cities.

Upon being asked the typical difference in the 500-year and 100-year floodplain, Mr. Wells replied that it varies from stream to stream and it varies on the topography around the stream. If there is a stream that has very steep topography around it, the difference between the 100-year and the 500-year can be four or five feet. In Greenville where the land is flatter, the difference in the elevation is 2.5 to 3 feet based on the Flood Insurance Study.

Ms. Heather Jacobs, the river keeper for the Pamlico-Tar River Foundation, informed the Council that this group is a grass roots environmental organization with about 2500 members. The Comprehensive Plan Committee was composed of very knowledgeable people that came up with this plan, and there was a reason that they decided to prohibit development within the floodplain. Part of that has to do with public safety and environmental reasons. It is very important to maintain the integrity of the floodplain as it provides many functions that are valuable. One is flood attenuation. Also, although the residences may be raised, there is still the potential that the floodwaters will surround them, putting them in harm's way because the people will be cut off from services around them. Environmentally, as an increased amount of development is allowed within the floodplain and as impervious surfaces are increased, that alters the value and the function of the floodplain to be able to do its job, which is flood attenuation. Another thing to remember is that as development occurs upstream, it is going to alter the floodplain from down below as more impervious cover happens. It is very important to think of how Greenville, as it develops, is going to affect those that live downstream as well. It is very important to look at the recommendations that were done by a group of very knowledgeable people over many months of hard work and that an increase in the amount of development means a decrease in the impervious cover. As it decreases, there will be more runoff into the streams, creeks and rivers, which could provide for the potential for increased amount of flooding.

Mr. McCabe Coolidge of Lakewood Pines Subdivision informed the Council that the neighborhood had three floods before the clear cutting of land across from them. He lives in a floodplain, and in 2003 there were four instances where three inches or more of water from Green Mill Run came up past the floodplain, into his driveway. As a homeowner, he has already experienced water going all the way up into the floodplain and past it. He supports the Horizons Plan and doesn't like the modification. He encouraged the Council to trust the staff, Horizons Committee and the Planning and Zoning Commission. This is a last minutes modification.

Mr. Lorenzo Stox, Pastor of Parkers Baptist Free Will Baptist Church, stated that he would like to have development on the north side of the river. The modification being proposed would fit into the Comprehensive Plan of the church as it plans to construct housing for approximately 30 widows and older people. The church bought 24.6 acres with the intent of building a Christian retirement village. It would be much cheaper housing and would be a ministry of the church. The Horizons Plan, as written, would interfere with those plans. He encouraged the Council to consider the modification, which would allow the Church to construct the housing.

Mr. George Hamilton, a resident of Lakewood Pines, stated that he has lived there about 40 years and has seen the impact of development causing a great amount of storm water to flow into the floodplain areas. At the same time he has seen development across from them and elsewhere along the rivers that have created a change in the floodplain characteristic. Floodplains are here to help hold the water, to serve as a reservoir and to filter out water to provide drinking water for now and the future. The more people tamper with that, the less able it is to do its job of

protecting against flood and loss of drinking water and wildlife. He urged the Council to adopt the Horizons Comprehensive Plan as presented by the Comprehensive Plan Committee. The City should allow no development in the floodplain areas, especially within the 100-year floodplain.

Mr. Bob Christian, a member of the Comprehensive Plan Committee, stated that he was a bit shocked from what he has heard here. In the two years spent amending the original plan, he doesn't remember anybody coming before the Committee with the proposal to allow development in the floodplain. If the Council adopts the amendment as proposed by Mr. Hopf, it will set a bad precedent in terms of getting citizens to be involved on committees. Having the flood at the 500-year floodplain does not ensure the integrity of the power or water supply to that residence. It doesn't ensure that people can get in and out of their houses when there is a flood or that cars and other personal property on the ground will not be flooded. The amendment as proposed by Mr. Hopf is a bad idea that came at a bad time.

Mr. Wally Behr stated that he is new to Greenville but not new to planning. The Comprehensive Plan as proposed is a good plan that needs to be passed and implemented. Most of what the Council has heard tonight has nothing to do with approving or disapproving the plan. Many things will change in the next few years as this plan goes forward. This plan is well drafted and covers the basic things that the people of Greenville want in their plan. It is easy to change; it is arranged so that it can be adapted. The requested amendment on Evans Street should be disapproved. If it becomes necessary to have that property commercial, the plan can be amended. The same goes for the property on 264 and Greenville Boulevard. If that was the last piece of property available to put tenants on, it might be worth making an exception and allowing it, but it is not. The plan is well thought out and people have spent hours working on it. Mr. Behr encouraged the Council to adopt the Comprehensive Plan as presented.

Mr. Randy Royal of 1200 Oakhurst Circle and Pastor of Philippi Church informed the Council that the church purchased 100 acres of land on Highway 33 off of Greene Street and west of Highway 264 East several years ago to build a single and multi-family complex, a strip mall and a church. Construction was delayed due to the flooding from Hurricane Floyd. The Church is back on schedule and plans to soon begin construction of the \$10 to \$15 million project. As a residential and corporate sponsor of future growth and economy in that area, they support an ordinance permitting multi-family development at Greenville Boulevard and 264 East. In the beginning, the Church family planned to provide housing and to inject some life in the economy north of the river and it still has a commitment to do that; however, they don't want to do it alone. There is an opportunity for another group and the Church looks forward to becoming partners in that area to add some new life and economy north of the river. Mr. Royal expressed support of the modification to the plan so that they can join other developers as they make an attempt to be good stewards in this area of the City of Greenville.

Mr. Chris Mansfield expressed concern about building in the floodplain and stated that in the Spring of 2000, following the 1999 flood, East Carolina University staff organized a conference called People, Places and Progress After the Flood. About 200 people from all over the country attended who have dealt with floods as natural disasters. Some of the ECU faculty contributed to the new knowledge about what can be done to mitigate those hazards. This resulted in a book called Facing Our Future, Hurricane Floyd and Recovery in the Coastal Plain. No one at the

conference would say it is a good idea to build in the floodplain. Dr. David Godshock, a world-renowned planner at UNC-CH wrote one of the final chapters in the book where he talked about how well Kinston had developed a hazard litigation plan to deal with their flood problem. Greenville was not mentioned; however, with what it has done in the last couple of years, Greenville would deserve notice in a book like this. Because of the flat terrain in Pitt County, almost half of the county was under water during Floyd. It is not just how high, it is how wide, and that is to be measured not just in acres but also in square miles, how much inconvenience that provides, and how long it takes the water to go away. Mr. Mansfield asked the Council to consider his comments and not approve the requested amendment.

Mr. Chester Rogers stated that he and his wife have both lived north of the river all of their lives. They were in the middle of the flood but intend to stay in the same area, as he loves living there. Something does need to be done about the runoff; however, cleaning out the river should do that. If the sand was dug out of the river and the fallen trees removed, people could build anything they wanted to anywhere they wanted to in Pitt County.

Mr. Walter Williams, owner of property on the corner of US 264 and Greenville Boulevard, stated that his corporate offices are there, as well as his construction, maintenance and repair facilities. In his 74 years, that is the only time that he is aware that there has been water at that intersection. There is some effort to begin development on the north side of the river, but if the Council adopts the plan as presented without any modifications, they will stymie any potential growth. He asked where the additional population projected by 2010 would go if the City doesn't allow growth on the north side of the river. He encouraged the Council to give strong consideration to allowing the amendment to the Comprehensive Plan.

Mr. Ken Malpass stated that this is a situation where only multi-family is discriminated against. The federal government has created these designated floodplains. At this point in time, there is the same amount of pervious area with commercial development. There are actually more restrictions on multi-family commercial than on single-family development. The regulations that are put in for the higher density do control a lot of this that is not actually taken into account in single-family. This request did go before the Planning and Zoning Commission. It is not a last minute request.

Mr. Thomas McMillan, a faculty member in the ECU Department of Criminal Justice and social worker in the community, stated that he lives in Greenville. People have to be able to work with each other. People north of the river need to be a part of the Greenville family and be helped. They are looking at the City of Greenville to help support them. The Council is the leader and has some powerful decisions to make. There is a lot of opportunity north of the river.

Mr. Chris Burns stated that he was affected by the flood and lost a business that he rebuilt. He has an interest in numerous properties north of the river, some of which lie in the floodplain. With careful, reasonable and equitable development, the north side of the Tar River can become a tremendous asset to the City, including parks and open spaces as well as communities with mixed uses to serve all Greenville citizens. What happened once in a lifetime should not hinder progress in Greenville. There is an underutilized asset on the north side of the river. Mr. Burns stated that he is in support of the proposed change.

Mr. Kelly Barnhill stated that he has property north of the river, but the new Horizons Plan will impact none of it. All of his property is commercial and he is very interested in the economic development on the north side of the river. There is an opportunity to have that economic development with the modification to the plan. He supported the modification and urged the Council to support the request.

Mr. Phil Dixon, representing Phil Carroll and Harvey Lewis, stated that his comments pertain to three tracts of land in the northeast section of the Horizons Plan. His comments are not intended to interfere with the adoption of the Plan. Messrs. Carroll and Lewis were concerned with the proposed open space designation for these properties as it would greatly reduce the market values of these properties by as much as 90 percent. Mr. Carroll actually attended a Comprehensive Plan meeting at the Public Works building in the fall where he discussed his concerns with Harry Hamilton and other members of the Planning staff on how proposed open space designation of his properties would impact on their value and how it might not permit him in the future to properly utilize his properties. One tract is on Mumford Road. The rear portion of that property could be used for sand mining and later for a lake as part of an overall layout of the property, which would require a minimum rezoning of IU. The front section of that property should be zoned commercial. Another tract on Highway 33 should be zoned commercial and Mr. Carroll was told by Mr. Hamilton and others in the Planning Department that open space was to be a transitional zoning, and that would not prevent them from coming back in the future and seeking a rezoning of that property. It now appears that the language in the Horizons Plan does not really give this indication even though it does say transitional to open space designation. Mr. Dixon stated that they wanted to go on record as informing the Council that was the case. Also, Mr. Harvey Lewis' tract on US Highway 264 has a similar problem in that approximately 10 to 15 acres between his commercial property and the floodway designation has been proposed again for that OS open space designation. Mr. Lewis believes that would essentially amount to an inverse condemnation and it is taking away the value of his property. At the next meeting of the Planning and Zoning Commission, he hopes to remedy that by seeking rezoning of the property. Mr. Carroll is also going to be seeking rezoning of his property, so that it is not trapped in that OS designation. Even if Messrs. Lewis and Carroll wanted to donate these properties to the City or to others in the future, the designation of these properties as open space property would greatly reduce their market value and almost make it impossible to get a reasonable tax write-off. The statement that it has open space designation will someday adversely affect the property. The Council should take into account that the calculation by Malpass and Associates that the open space within that regulatory floodway of the Comprehensive Plan is 5,050 acres. It seems like a great deal of open space. Mr. Dixon asked that this be made a part of the record.

Mr. Dixon continued by stating that he, too, feels that north of the river has been depressed. Lawrence Davenport said that when the University announced that ECU was going to acquire the 129 acres for a north recreation campus, he felt that would be the best thing that happened to north of the river since Burroughs Wellcome. There is an opportunity, with some development north of the river, to spur, motivate and inspire others to develop there. In order for commercial development to occur north of the river, there has to be an increase in the residential population. That is an ideal location for some of the growth that Greenville is facing. It is particularly an ideal location for some of the student growth. It is ideal in that it is underutilized and buffered. It is hard for him to understand why there is a great difference between that industrial development,

commercial development, office development and multi-family development. What better place to put multi-family development than immediately adjacent to a 129-acre North Recreation Campus. That is a place that is 1.3 miles from the river, only a few miles from the campus, and on the transit system. These are wonderful opportunities, and those opportunities need to be seized. In 1919, there was some flooding, but nothing of the magnitude of 1999. In 1938, there was a pretty significant flood. Those are the only three that he knows about. If someone builds at the elevation of 500-year flood elevation or above, the likelihood of there being any damage to their property is diminutive. It is a worthwhile investment, and it is something that can be covered by flood insurance. It is something that would be a good thing for the community. The public is not asking for a major overhaul or anything dramatic. They understand and appreciate how much work is going into this plan. A minor exception would allow development to occur.

Mr. Dixon concluded by stating that he has long told Council that they need conditional use zoning. There are times when there is a good project that would benefit from conditional use zoning, but the Council has not done that even though a lot of other cities do. It is very labor intensive, requiring the planning staff to negotiate with the developer. With a very small change in this Comprehensive Plan, the Council would be doing the right thing.

Mr. Marion Blackburn stated that there are people who have suffered from economic hardship based on location and circumstances and this is what needs to be looked at. She cares very deeply about her fellow citizens. She attended several meetings of the Planning Committee, the Comprehensive Land Use Commission and the Planning and Zoning Commission to try to thoroughly understand this. There is economic hardship north of the river, and the Council should not contribute to it by allowing a repeat of what happened to the area in 1999. She asked that the Council not tinker with the plan as a whole but instead take individual requests and individual needs of the people wherever they live and address those with meaning.

Mr. D. T. Jones stated that he lived through the flood and doesn't remember seeing any of the people who have spoken tonight over there helping the people in need at that time. The people north of the river took care of themselves. There is a little glimmer of hope with ECU buying land on the north side of town. It is very possible that they could get some kind of multi-family dwellings built over there. He asked the Council to consider that because the residents across the river are taxpayers, too, and a part of Pitt County. It is a great opportunity for the City to reach out that way, too. They don't need to miss this opportunity.

Mr. Tom Moyer stated that he is present to speak to the Council about the Paramore family farm on the corner of Fire Tower Road and Evans Street. The Comprehensive Land Use Plan has proposed office zoning from the corner of Evans Street down to the canal on Fire Tower Road. The total farm tract consists of approximately 115 acres plus and this farm has been owned and farmed by the Paramore family since 1939. Mr. Moyer's mother-in-law died just over a year ago and she was very adamant about this farm that she never wanted anything done to it as long as she was living and that is why things have not progressed further. When she passed away and with a large estate tax, the family had no choice but to sell this property. It certainly can't be maintained as farmland. Out of the 115-acre tract, they are asking for 8.41 acres to be included as commercial zoning in the Comprehensive Land Use Plan. There are 8 1/2 acres of commercial property directly across the street from this area; there are 16 acres on the corner of where BB&T is located. Fire Tower Road will be five lanes to accommodate the increase in traffic. Mr. Moyer

stated that they initially asked for the rezoning of 16.5 acres but later scaled it back to 8.41. The property is not directly across from South Hall.

Mr. Colin Wilson, a resident of South Hall, stated that there has been a lot of careful consideration given to this plan within the past two years by a lot of people. Residents of the area did not have the opportunity to comment on the change in the corner of Fire Tower Road and Evans Street that would create spot zoning. This position took place in one hour with no public input, which is a filibuster. The residents very much oppose the request for commercial zoning at the intersection of Fire Tower Road and Evans Street and support the Horizons Comprehensive Plan notwithstanding the other discussion about the floodplain. They request that the Council object to the amendment for the rezoning of the northeast corner.

Mr. J. T. Williams stated that he has been involved with FEMA and floodplain areas across eastern North Carolina for the last 10 to 12 years and has helped write some rules. There are acres and acres across the river where the floodplain mark is 2 inches underground so a house could be put there and never be affected. In a floodplain, what one needs to be concerned about is flowing water. All of the houses in Pitt and Lenoir Counties would not fill up the floodplain. One fourth of Pitt County is in the floodplain, meaning that could not be built on as proposed. A regulation was written in 1999 by FEMA that tells how to live in the floodplain area. The water was only 2.5 feet over the highway and to say nothing else can be built there is not right.

Mr. Collice Moore stated that he has been asked by a family who owns a small tract of land near the intersection of Fire Tower Road and Arlington Boulevard to speak. The proposed Land Use Plan has a suggested zoning—the land is bordered on the front side by commercial, on the back side by unoffensive industry, and the projected zoning by the Comprehensive Plan in the middle is for multi-family. For the last several months there have been negotiations concerning the two tracts fronting on Firetower Road and the second tract for a large shopping center type of development. He asked that the Council remember that he will be coming back with a rezoning request to ask the Council's consideration to look at this to see if there is a possibility it could be reviewed and taken a second look at.

There being no further comments, the Public Hearing was declared closed.

Council Member Council stated that she understood that floodgates being opened were what caused the Flood of 1999.

Council Member Little stated that there is extensive discussion about the floodplain area and about high density and medium density multi-family in the Horizons Plan. It discourages development in undisturbed areas within the 100-year floodplain. He asked if that meant there should be no development whatsoever.

Mr. Holhouser replied that Council Member Little is referring to the Policy Statement. A careful reading of that sentence indicates that it will be the policy of the City of Greenville to prohibit development within the floodway. That is very definite in the floodway.

Mayor Pro-Tem Miller stated that it discouraged development, which would be all types of development.

Mr. Holhouser concurred that is the way the sentence reads.

Mayor Pro-Tem Miller stated that he did not agree with that.

Council Member Little stated that meant that any rezoning request for north of the river would be in violation of the Comprehensive Plan.

Mr. Holhouser stated that it has to do with the rezoning request. There is nothing in the Plan that says that property already developed cannot continue to exist; it doesn't say that property that is zoned already for development cannot be developed under those standards. The City's power to discourage development comes with the rezoning. That is particularly the issue here, to discourage development in under served areas would indicate that the City should not rezone for certain uses for redevelopment within that floodplain. If the zoning is already in place, the property may be developed under those standards.

Upon being asked how much of the property north of the river would be currently zoned that is already in the floodplain other than RA2O, Mayor Pro-Tem Miller speculated that it would be about 6000 acres.

Mr. Hamilton stated that the majority of the property in the floodplain north of the river has some environmental or other limitation to it, and that amount of acreage would not be unusual because that is an extensive area. The language being referred to is not new; it is in the current plan. Also, one thing that Mr. Dixon mentioned was with respect to the conservation overlay area that is shown on the map and that is an extensive area. The section of the plan that sets out the land use categories and the associated zoning districts shows that the conservation open space district corresponds with the CA, which is a conservation overlay. That conservation overlay is a zoning district that was adopted by City Council last summer and that is a zone that is only created at the initiation of the property owner. The specific language in the text of the zoning ordinance does not allow that to be placed on someone's property without his or her consent. The reason that zoning was created was to allow for portions of the floodplain area to be included in a particular category where the density can be transferred but no construction is allowed, it is a way to let the property owner receive benefit from those areas but not build anything in the floodplain. The language in the plan is very specific with respect to the conservation open space. Mr. Hamilton read the following, "Conservation open space, land uses are typically located in areas that contain existing park land." Greenville has golf courses, city parks, even some cemeteries, open spaces that do have use on them and also areas that exhibit potential for flooding or deemed inappropriate for development due to physical or environmental limitations. Someone went in and looked at the hydrate soil areas throughout the City's jurisdiction, looked at the potential wetland areas, the four regulated wetland areas where no development is likely to be allowed and included all of those within the conservation open space. Conservation open space lands are also used as buffers to separate areas that may have potential to become conflicting land uses. That was used as a technique between industrial and residential areas and that has been done in a number of places, especially around the industrial park. Also, the future land use map identifies certain areas for conservation open space uses. This map is not intended to be dimensionally specific and may not correspond precisely with conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation open space may be determined not to contain anticipated development limitations. In such cases a

future preferred land use should be based on the adjacent land use designation's contextual considerations and the general policies of the Comprehensive Plan. Those were things that Mr. Holhouser referred to in his presentation. He has not talked to anyone about specifically rezoning property north of the river. There may be many locations where a proposal will be received within those areas that will be acceptable and will meet the general location criteria for commercial or office or industrial development. Those types of non-residential uses would be preferred in lieu of residential development north of the river.

Upon being questioned about no development being in the floodplain, Mr. Hamilton stated that there have been a number of rezoning requests that have been proposed and approved by City Council since 1997 within areas north of the river that are along Mumford Road that are in the conservation overlay area and within the floodplain area. That is not a blanket statement that would prohibit development. It would be discouraged as staff discourages all development within the floodplain areas. In a lot of places it is going to happen and it is not going to have a negative impact. One has to look at it site specific, but there are areas that have been rezoned along Mumford Road, for example Venters Grill.

Mayor Pro-Tem Miller questioned why staff wouldn't go with the text that says that "the functions and values of floodplains along with the physical risk of development in these areas are clear indicators that effective land use management practices are critical to the future well being of the City. It would be the policy of the City of Greenville to prohibit development within the floodway." That way, if a use was brought to the Planning and Zoning Commission and they looked at it on a case-by-case basis, they could make a determination on the appropriate use whether it be multi-family, office or business, it wouldn't be in conflict with the plan. They could deal with it on a case-by-case basis instead of this blanket statement and the one on page 48 which makes them all in violation.

Mr. Hamilton stated that it has not been the position of the staff, Planning and Zoning Commission or City Council on past actions within those floodplain areas for them to be in violation. It has not been used as a means to defeat zoning request. We have looked at it to determine whether or not it is appropriate in its special relationship with other uses and that has been the main consideration. It has been in the plan since 1992.

Council Member Dunn expressed that because of the seriousness of this issue and the number of people who have spoken during the public hearing, she does not feel ready to vote on this issue tonight. Also, conflicting comments have been made tonight and there is some legitimacy to most of the comments made. Since these are guidelines designed for at least 60,000 people, she requested that the decision be made at a later meeting.

Mayor Pro-Tem Miller stated that most people don't know what a floodplain is. As Mr. Williams said, a lot of it could be two inches below the ground in the 100-year floodplain according to computer-generated maps. The new floodway increased this year. The new maps went into effect in the Tar and Neuse Basin. The floodplains got wider, but the way the blanket policy in this plan is written doesn't distinguish between property with a 100-year flood elevation ten feet or one inch below the ground. So much of the property on the north side of the river is being impacted by this plan. The proposal for a 500-year flood elevation is greater than any other requirement in the State of North Carolina and probably in the whole United States because the FEMA rules say

that you build that in the 100-year flood level or greater. This is on the books now to be a foot above it.

Council Member Glover stated that they have been educated from the people since the flood of 1999. The people north of the river during the flood were cut off from the City and didn't have commercial development such as drugstores within reach. Commercial development will not occur without people living in the area. Those people have built their homes there and put their life savings into their community and that is where they chose to be. Making a decision on the Comprehensive Plan is a tough thing to do. It should be written in a way and done in a way which it helps everybody. It helps the whole city, not just part of it but everyone including the people north of the river. Other towns allow development in the floodplain, and the intent here is to prohibit high and medium density buildings in the floodplain, shutting off another part of the City, which isn't fair. The people requesting to have the opportunity to build their businesses or to have the opportunity to live over there again should be allowed to do so. The people have talked about not making 8.5 acres on Fire Tower Road commercial because it will generate more traffic. That will definitely happen if there continues to be no development on the north side.

City Manager Davis stated that there are many ramifications for the Comprehensive Land Use Plan. The Comprehensive Plan Committee has deliberated this for two years and the Council has heard comments from the citizens for over 1.5 hour. He suggested that the Council take these comments and group them together to come back with something that all parties can live with. The Council has heard a lot of evidence and heartfelt opinion. That needs to be put into a form for Council to look at during the Monday meeting. Council talked about creating a task force. These kinds of major plans are the kinds of things that the Council would want to see in black and white. Staff can take the comments that have been made, try to reflect compromise in them and provide them to the Council.

Council Member Craft referred to information provided by staff and stated that surveyed cities are not as restrictive as is being proposed tonight.

Council Member Dunn stated that Tarboro has three feet above the 100-year plain and it is essentially curtailed development in the floodplain. In Winston-Salem, all structures whether or not they are in the floodplain have to be elevated to the 100-year base elevation. Building coverage in the 100-year floodplain is limited to not more than 50% of the lot area. Due to rising insurance costs they are seeing a decrease in the activity in the floodplain. Rarely is high density residential development proposed in the 100-year floodplain even though they have not had any limitations there. Rocky Mount requires that all structures be elevated two feet above the 100-year base elevation. There are no regulations prohibiting development in the floodplain. Kinston has a conditional use permit of the City Council and flood related conditions may be attached to the development to protect public health and safety. Council Member Dunn stated that she is not ready to establish policy for the City and would like to have more discussion on this issue.

Council Member Dunn offered a substitute motion that the Council not make a decision tonight. Due to the lack of the second, the substitute motion died.

City Attorney Holec informed the Council that they have before them guidelines to govern the regulatory action, particularly when there are zoning actions. Currently the proposal states that

high and medium density is not allowed in the 100-year and 500-year floodplain. This amendment would change that to say that as long as the finished floor elevation of a living unit is at the 500-year flood elevation or greater then the Council would promote rezoning for something like that. That would be consistent with the Comprehensive Plan so that does have implications. What the Council is saying with the motion is that as long as that is allowed to be elevated that when there is a rezoning request for that particular property, that the Comprehensive Plan would support that. If there were provisions when someone came in with the zoning request and the regulation said that if that is developed for multi-family development, then they have to regulate it to this particular height then the Comprehensive Plan would support that. There may be some instances where there is greater deviation between the 100-year and 500-year floodplain level.

Council Member Little asked for clarification and asked if somebody came in for a rezoning request and it was in that area, if this change passed, it would have the support of the Comprehensive Plan so long as the finished floor elevation was 2 feet above the 500-year flood.

City Attorney Holec stated that these are the guidelines to give direction. If the amendment is approved, there will need to be an additional ordinance change to put that requirement in for high and medium density development such as multi-family.

City Manager Davis stated that it would come back in a package and the Council would lose site specificity.

Motion was made by Council Member Craft and seconded by Council Member Council to accept the amendment that has been proposed tonight to amend bullet items 2-5 in Objective #33 on Page 48 to read, "Unless the finished floor elevation of a living unit is at the 500 year flood elevation or greater" Motion carried with a vote of 5:1. Mayor Pro-Tem Miller and Council Members Little, Craft, Council and Glover voted in favor of the motion. Council Member Dunn voted in opposition.

Council Member Little then addressed another issue that was considered by the Planning and Zoning Commission on the Horizons Plan, that being the property on the corner of Fire Tower Road and Evans Street. He appreciates the fact that people want to try to get the highest and best use for their property, but this property has always had a neighborhood characteristic. The north side of Fire Tower Road has always been designated as an office zoning transitioning into residential. The south side has been the commercial area.

Motion was made by Council Member Little to keep the portion of the Comprehensive Plan dealing with the intersection of Fire Tower Road and Evans Street as proposed by the Comprehensive Plan Committee. Motion was seconded by Mayor Pro-Tem Miller and carried with a vote of 5:1. Mayor Pro-Tem Miller and Council Members Little, Dunn, Council and Glover voted in favor of the motion. Council Member Craft voted in opposition.

Council Member Craft then asked for confirmation that the land purchased by the City for a cemetery would go under open space and was informed by Mr. Hamilton that it would be under the conservation open space category. Mr. Hamilton further stated the City owns the property and any municipal governmental use is a permitted use at this site. Land use plan

recommendations in the past were for office along the right of way of 10th Street or NC 33 transitioning to lower densities as one approaches the river. The proposed draft plan shows that entire property within the conservation overlay to be used for parkland and a cemetery in a similar pattern for the cemetery just to the south. The property that the City purchased is zoned Office Residential along the frontage on Highway 33 in the northern part is zoned RA2O.

Mayor Pro-Tem Miller asked what the staff's position would be on that property if it was sold and the new property owner asked for a rezoning, and Mr. Hamilton replied that the conservation open space does not relate directly to a general purpose zoning district. Staff would look at the contextual recommendations in the plan and the surrounding land uses, identify the type of corridor this is on and the type of uses that staff would recommend based on the plan along that type of corridor, and arrive at a decision on it

Mr. Hamilton was asked to review the zoning around the cemetery, which he did.

Upon being asked why the property purchased for a cemetery was put in as open space, Mr. Hamilton responded that it was the intent to use it for a cemetery and recreation area for the City.

Mayor Parrott expressed that he didn't understand why the zoning of the property had to be changed.

Mr. Hamilton responded that this was a request by a property owner or a resident in the area, who brought this to the attention of the Comprehensive Plan Committee. The Committee made the decision to change the pattern based on the anticipated use that City had for the property.

City Manager Davis stated that the City purchased the property for recreational uses and a cemetery. If this City Council wishes to sell that land then it could rezone it before or after the sale.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to make the property on Highway 33 compatible with the surrounding property in the Land Use Plan. Motion carried with a 5:1 vote. Mayor Pro-Tern Miller and Council Members Council, Glover, Craft and Little voted in favor of the motion. Council Member Dunn voted in opposition.

Mayor Pro-Tem Miller stated that he didn't know if the City could get some tax benefit by giving the property to somebody.

Mr. Hamilton stated that the zoning is in place for the office area and the balance of the property is zoned RA2O.

Mayor Pro-Tem Miller stated that if it is in the Comprehensive Plan, it would be somebody's indication on what could happen on that property. If the City ever wanted to sell the property, it would be nice to be in a position to do so.

Council Member Glover stated that they would be in controversy every time they try to do something with this property.

Council Member Dunn asked if the City Council is abandoning the idea of using the property for recreation.

Mayor Parrott stated that the City can still use it for recreational uses even if the land use plan is changed to agree with the contiguous property.

Motion was made by Council Member Council and seconded by Mayor Pro-Tem Miller to approve the Comprehensive Plan with the amendments. Motion carried with a vote of 5:1. Mayor Pro-Tem Miller and Council Members Little, Craft, Council and Glover voted in favor of the motion. Council Member Dunn voted in opposition. (Ordinance No. 04-10; Document No. 04-06)

ORDINANCE REZONING THE LEON R. HARDEE, DOROTHY T. STEWART, AND COBBLESTONE OF GREENVILLE, LCC LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF ALLEN ROAD, NORTH OF DICKINSON AVENUE, AND EAST OF TEAKWOOD SUBDIVISION, FROM O, R6A, AND RA20 TO OR, O AND R6A - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on February 2 and February 9, 2004 setting this time, date and place for a public hearing to consider a request by Leon R. Hardee, Dorothy T. Stewart, and Cobblestone of Greenville, LCC to rezone 34.531 acres located along the eastern right-of-way of Allen Road, 1,500± feet north of Dickinson Avenue, and east of Teakwood Subdivision, from O, R6A, and RA20 to OR, O, and R6A. The Planning and Zoning Commission voted to recommend approval of the request at its January 20, 2004 meeting.

Mr. Hamilton delineated the property on a map and stated that the total acreage in this request is 34.5 acres. Tract 1 is a request to rezone 16.98 acres from Office to Office-Residential. Tract 2 is to rezone five acres from R6A to OR. Tract 3 is to rezone one acre from RA20 to OR. Tract 4 is to rezone 4.35 acres from R6A to Office. Tract 5 is to rezone 6.57 acres from R6A to OR. Tract 6 is to rezone from Office to R6A .0368 acre for the purpose of adding depth to the lots within Cobblestone Subdivision. The Cobblestone area is currently zoned R6A. Tract 1 does not have a residential option. The area to the west is indicated on the Land Use Plan Map as a future industrial employment area and is currently developed in a service/business type commercial area and zoned OR and IU. The area immediately south of the industrial area is zoned OR. There is an approved preliminary plat for a duplex and multi-family development in this area. There is a strip of R9S property that separates Teakwood Subdivision to the south. The Cobblestone Subdivision has 159 duplex lots and would yield 318 dwellings. If the area had been developed for medium density multi-family at the eight units per acre, it would have yielded more units so that the duplex development under construction is less than the anticipated development at the time of initial rezoning of this area, so there would be a reduction in total traffic from the area. The density estimates for Tracts 1, 2, 3 and 5 would be 348 multi-family units based on similar site comparison using Sterling Pointe (13 units per net acre.). the maximum density of 17 units per net acre (1, 2 and 3 bedrooms) would yield 456 multi-family units. It is anticipated that in a suburban area, approximately 350 dwellings are likely. There is no residential option in the Office zone and Tract 4 is being rezoned from R6A to Office, which is in close proximity to the entrance to Teakwood Subdivision. Based on the current zoning, it is

anticipated that 117 dwellings could be built on the property. Allen Road is a thoroughfare road and currently 400 ADT over design capacity. At full development, the proposed zoning would generate 500 additional trips over current zoning. As this area develops, the road will be stubbed out to the adjoining properties to the east and south to prove an interconnecting street system back to Dickinson Avenue. As part of any development, staff would require a traffic impact analysis be performed to determine what type of mitigation would be required such as turn lanes on Allen Road. Allen Road has been widened from Dickinson Avenue to the Teakwood area, and it is anticipated to widen further to the medical area. The request is in general compliance with the Land Use Plan. The Office zone would be encouraged to buffer the industrial area with medium density residential on the interior to the south and east.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing the applicants, stated that the request is in compliance with the Comprehensive Plan.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Glover to adopt the ordinance rezoning the Leon R. Hardee, Dorothy T. Stewart, and Cobblestone of Greenville, LLC property involving 34.531 acres located along the eastern right-of-way of Allen Road, north of Dickinson Avenue, and east of Teakwood Subdivision, from O, R6A and RA20 to OR, O and R6A. Motion carried unanimously. (Ordinance No. 04-11)

ORDINANCE ANNEXING COVENGTON DOWNE, BLOCK E, LOT 9 LOCATED ON THE SOUTH SIDE OF NCSR 1708 AND WEST OF NC HIGHWAY 43 - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on February 2, 2004 setting this time, date and place for a public hearing to consider a request by The Covington Group, LTD to annex Covington Down, Block E, Lot 9, involving 1.8489 acres located on the south side of NCSR 1708 and 525 feet west of NC Highway 43. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant, and the proposed use is a 26,000 square foot furniture store. The current and proposed population is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Glover to adopt the ordinance annexing Covington Downe, Block E, Lot 9, involving 1.8489 acres located on the south side of NCSR 1708 and 525 feet west of NC Highway 43. Motion carried unanimously. (Ordinance No. 04-12)

ORDINANCE ANNEXING BEDFORD, SECTION 7, PHASE 2, LOCATED NORTH OF FIRE TOWER ROAD, EAST OF EVANS STREET EXTENSION, WITHIN BEDFORD SUBDIVISION AND SOUTH OF ROLSTON ROAD AND TRANSECTED BY CHESAPEAKE PLACE - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on February 2, 2004 setting this time, date and place for a public hearing to consider a request by DMJ Development to annex Bedford, Section 7, Phase 2, involving 9.488 acres located north of Fire Tower Road, east of Evans Street Extension, within Bedford Subdivision and being 430 feet south of Rolston Road and transected by Chesapeake Place. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is 23 single-family dwellings. The current population is 0, and it is estimated to be 54 at full development, with 2 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Glover to adopt the ordinance annexing Bedford, Section 7, Phase 2, involving 9.488 acres located north of Fire Tower Road, east of Evans Street Extension, within Bedford Subdivision and being 430 feet south of Rolston Road and transected by Chesapeake Place. Motion carried unanimously. (Ordinance No. 04-13)

RESOLUTION AUTHORIZING THE SUBMITTAL TO THE NORTH CAROLINA DIVISION OF WATER QUALITY FOR ITS REVIEW AND APPROVAL THE DRAFT CITY OF GREENVILLE STORMWATER MANAGEMENT PROGRAM AND STORMWATER MANAGEMENT AND CONTROL ORDINANCE - ADOPTED

Mr. David Brown, City Engineer, informed the Council that storm events create runoff that collects pollutants such as sediment, chemicals, etc. while traveling over land. These pollutants are deposited into streams, creeks and other natural watercourses. During 2000, the Environmental Management Commission adopted rules under the Tar-Pamlico Nutrient Sensitive Waters Strategy to reduce nitrogen and phosphorus loading the estuary by 30 percent. The Tar-Pamlico Stormwater Rule requires six municipalities and five counties to develop and implement stormwater management programs. Between February 2002 and January 2003, the Division of Water Quality met regularly with affected local governments and others to develop a model stormwater program. In January 2003, a model stormwater program was submitted to the State's Environmental Management Commission for approval, and on February 3, 2003, the Environmental Management Commission approved the model program. By February 13, 2004, local programs must be submitted to the Division of Water Quality, and by August 13, 2004 local programs must be underway. Under the Tar-Pamlico Stormwater Rule, designated local governments must develop programs to ensure new development meets Tar-Pamlico Stormwater rules, identify and pursue removal of illegal discharges, identify retrofitting opportunities, and provide public education regarding protection of stormwater quality. Developments affected by the new regulations are:

- Land disturbing activities of one acre or more for single-family, duplex residential or recreational facilities
- Land disturbing activities of one-half acre or more for multi-family, commercial, industrial or institutional facilities
- Does not include agriculture, mining or forestry activities

The City of Greenville is split between two river basins—the Tar-Pamlico and Neuse, and the proposed Stormwater Management Program will incorporate the rules of each basin. The proposed program is consistent with Pitt County's Program and includes

- Required Nitrogen and Phosphorus reduction in Tar-Pamlico River Basin
- Nitrogen reduction in Neuse River Basin
- Riparian Buffer protection
 - ❑ 50 feet in both Neuse and Tar-Pamlico
 - ❑ Local government to require protection
 - ❑ State to enforce violation
 - ❑ Local governments have opportunity to take over enforcement from State at a later date

The Stormwater Management Program provides opportunities for regional or jurisdiction wide facilities. There is required maintenance of Best Management Practices, such as the developer being responsible for maintenance for the first two years following final plat approval or until transferred to the Homeowners Association; landowner being responsible for maintenance on commercial, institutional, or other development; the City inspecting annually; and having penalties for failing to maintain. The Program provides for identification of and enforcement actions against responsible parties of illegal discharges, identification of retrofitting opportunities on existing developments by identifying suitable sites for Best Management Practices installation; and providing public education through technical workshops, toll-free environmental hotline, and web page/website links. Recommendations of the staff are as follows:

- City Council authorize submission of City of Greenville Stormwater Management Program for Division of Water Quality for final review
- Any changes to the draft program as a result of the Division of Water Quality's review will be presented to the Environmental Advisory Commission, the Planning and Zoning Commission, and City Council
- Final adoption of program and stormwater ordinance by City Council will be after the Division of Water Quality comments are addressed but before August 13, 2004

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to adopt the resolution authorizing the submittal to the North Carolina Division of Water Quality for its review and approval the draft City of Greenville Stormwater Management Program and Stormwater Management and Control Ordinance. Motion carried unanimously. (Resolution No.04-02; Document No. 03-06)

ORDINANCE REQUESTED BY THE ENVIRONMENTAL ADVISORY COMMISSION TO AMEND CHAPTER 2 OF TITLE 12 OF THE CITY CODE, "ANIMAL CONTROL", TO ALLOW THE CITY OF GREENVILLE TO BE DECLARED A BIRD SANCTUARY - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Dunn to adopt the amendment to Chapter 2, Title 12 of the City Code entitled "Animal Control" as recommended by the Environmental Advisory Commission. Motion carried unanimously. (Ordinance No. 04-14)

AMENDING THE FEDERAL AGENDA FOR LEGISLATIVE EARMARKS - APPROVED

City Manager Davis reported that a letter had been received from Shirley Speidell of the Ferguson Group regarding delays that could be encountered if the Southwest Bypass was funded with federal dollars. As a result of the new information, it was recommended that the City pursue funding of the project through the State Highway Trust Fund, and the Ferguson Group will continue to work with the City's congressional delegation to ensure funding of the project through the North Carolina Department of Transportation. The Group recommended that the City pursue funding for the Tenth Street Connector project under both the Transportation Appropriations bill and the Transportation Equity Act reauthorization and use the same strategy for the Greenways Expansion and Improvement project. The City's FY 2005 federal agenda would be as follows:

- Tenth Street Connector--\$5 million for planning and right-of-way acquisition and secure funding for completion, design and construction from the Transportation Appropriations bill, Surface Transportation and Transportation Equity Act Reauthorization.
- Police Department Wireless Infrastructure--\$2.5 million for wireless infrastructure to support in-vehicle computerized information systems from Commerce, Justice, State Appropriations bill, COPS Law Enforcement Technology Program.
- West Greenville and Uptown Neighborhood Revitalization--\$1 million to remove blight and construct affordable housing from VA HUD Appropriations Bill, Economic Development Initiative.
- Green Mill Run Stream Restoration--\$60,000 to continue a flood control study from the Energy and Water Development Appropriations Bill, Corps of Engineers, Section 205, Flood Control.
- Greenways Expansion and Improvement--\$1.5 million for bike and pedestrian improvements, specifically the South Tar River Greenway and to secure funding for the completion of additional greenways segments from the Transportation Appropriations bill, Transportation and Community System Preservation Program and the Transportation Equity Act reauthorization bill.

Additional interests include relocation of the railroad switching yard, transportation, drug interdiction, downtown revitalization, FEMA/Homeland Security, waterfront development, water resources development, brown fields, and open space.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to approve the Federal Agenda for Legislative Earmarks. Motion carried unanimously.

ORDINANCE ESTABLISHING A GREENVILLE UTILITIES COMMISSION SEWER CAPITAL PROJECTS BUDGET FOR THE WASTEWATER TREATMENT PLANT BIOSOLIDS DEWATERING FACILITY - ADOPTED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt an ordinance establishing a Greenville Utilities Commission Sewer Capital Projects Budget for the Wastewater Treatment Plant Biosolids Dewatering Facility. Motion carried unanimously. (Ordinance No. 04- 15)

ORDINANCE AMENDING THE 2003-2004 CITY OF GREENVILLE BUDGET - ADOPTED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the ordinance amending the 2004-2004 City of Greenville Budget. Motion carried unanimously. (Ordinance No. 04-16)

CONTRACT WITH REDFLEX TRAFFIC SYSTEMS TO OPERATE AN AUTOMATED RED LIGHT ENFORCEMENT CITATION PROGRAM WITHIN THE CITY OF GREENVILLE - APPROVED

City Manager Davis reported that this item is a contract award for the operation of the automated red light enforcement citation programs.

Mr. Steve Yetman, Traffic Engineer, reminded the Council that in 2000, State legislation was approved for the City of Greenville and other cities to have an automated red light enforcement citation program. Some of the other cities receiving authorization were Charlotte, Fayetteville, Greensboro, High Point, Rocky Mount and Wilmington. In 2003 the City adopted an ordinance implementing the red light enforcement program in accordance with the State Statute. Those ordinances provided for the following:

The civil enforcement of red light violations when using the traffic control photographic system. A civil fine \$50.00 for a violation, which becomes \$100 if not paid within a specified time period. That violation shall not result in points against the violator's driver's license nor insurance points being assigned. A non-judicial administrative appeals process when a person believes the citation should not be issued and makes the owner of the vehicle responsible for violation unless the owner provides information that the vehicle was in the care, custody, or control of another person. And finally requires that the citation clearly state the appeal process.

Sergeant Phil Worthington of the Greenville Police Department informed the Council that during 2003, Greenville experienced over 5000 motor vehicle crashes in the City, and there was a 300 percent increase in deaths caused by motor vehicle crashes. Nine lives were lost. Fifty percent of the fatal crashes occurred at intersections controlled by stoplights. In 104 of the 5000 crashes, officers were able to determine the disregarding of traffic signals as contributing circumstances. That number is low because there are a lot of crashes that occur where both motorists say they had a green light and an officer doesn't know who actually did and it is considered as unable to determine. The officer has to see the light is red and has to be on the same side that the violator

is on when they run that light so it puts the officer at a risk to enter that intersection when the light is red also. In addition to this being a safety hazard to the motorist, it is also a safety hazard to the police officer. Approximately 500 citations were issued in 2003 for stop light violations. As Chairman of the Safe Committee of Pitt County, Sergeant Worthington stated that a resolution had been prepared supporting the project. Also, the Police Department supports the project. The expectation is that it will improve safety at the intersections controlled by signals by reducing violations and thus reducing the severity of any crashes occurring. Also, rear end collisions have been addressed. In a Charlotte study of July 2001, overall rear end crashes increased by only four percent. They showed angle crashes reduced by 37 percent at the intersections. In all, angle crashes reduced by 60 percent on camera approaches. All types of crashes reduced by nineteen percent in the Charlotte study. In Wilmington, a three-year progress report showed rear end collisions decreased by 33 percent. According to the North Carolina Department of Transportation officials, the first year saw an increase of five percent rear end collisions every year since they have seen a decrease. Currently rear end collisions have been reduced by 33 percent in the Wilmington study since red light cameras were installed. Angle collisions decreased by 34 percent, other crashes decreased by 42 percent and red light violations decreased to an average of 4 per day at the intersections. These cameras will benefit and make our intersections a lot safer here in the City.

Mr. Yetman stated that in December 2003 the Engineering Division developed a Request for Proposal and advertised it to several vendors who operate these systems around the country, and five proposals were received. A selection committee was developed that was represented by Public Works, Police, Financial Services and the North Carolina Department of Transportation. The proposals were reviewed and evaluated based on some several important criteria. Two contractors were invited for an interview--Redflex Traffic Systems and Peak. At the interview, standard questions were asked and the Selection Committee evaluated them and chose Redflex Traffic Systems, primarily due to their superior technology and experience. Redflex is the largest provider of Red Light Enforcement Systems in the United States and they also have the longest track record and experience dating back to 1986. The technology that they use is a combination of digital cameras, digital video cameras, and digital still cameras so what separates them from the other typical vendors is that they include the digital video and that video helps validate a lot of citations that wouldn't normally be picked up on just a digital still shot. Also, through their technology they have a high issuance rate of citations, approximately 95%, meaning that 95% of the images they take become an accurate citation. Mr. Yetman showed a copy of the actual violation that would be received in the mail and a copy of the 12-second video that can be seen over the Internet through a secure code.

Upon being asked what company Charlotte and Wilmington use, Mr. Yetman replied that they use Peak. Redflex has contracts with Cary, Knightdale and Monroe.

Council Member Little asked if Greenville has the capability for the lights in Greenville to turn red a few seconds before one turns yellow, and Mr. Yetman replied that they all do that. It is a typical North Carolina Department of Transportation design practice that they use.

Upon being asked if there is a system in place where all lights are red at one time, Mr. Yetman replied that Greenville does and it is called the "All Red Interval Phase".

Upon being asked staff knows if there is a correlation of the angles and the intersections where the most damage occurred and how many of those were rear end, Mr. Yetman replied that he didn't know specifically; however, he believes they are all angle accidents.

Council Member Little asked if there is a benchmark to measure the success of this program, and Sergeant Worthington replied that one of the issues with rear end crashes is that there are many causes, such as a car making a sudden stop at the intersection going one or two miles per hour or ones occurring 200 feet from an intersection. The rear end collisions in Greenville are astronomical and a lot of them don't occur at intersections. In the past 20 years, he is only aware of two fatalities that were a result of a rear end collision. Less serious injuries usually occur with rear end collisions. Most fatalities occur as a result of an angle collision.

Council Member Glover questioned whether there is any way to determine whether the accidents at the intersections with the most number of accidents can be contributed to red light violations. Sergeant Worthington replied that a lot of those crashes were as a result of red light violations.

Upon being asked how many cameras are being proposed with the contract, Sergeant Worthington replied that they are proposing up to ten to begin with.

Upon being asked if the cameras will be mobile, Mr. Yetman replied that the contractor is going to do an analysis of the intersection by videoing it, going back to see how many violations there were in each approach and determine if that is a good location for a camera. They will work with staff to find the best locations for those sites before they go in. Sergeant Worthington stated that the most run locations or the most dangerous locations will have the cameras for safety.

Mayor Pro-Tem Miller stated that he has had a lot of calls, one being from someone who said he was on the committee in Chapel Hill and that the cameras did not work well. He would like for the contract to have a provision allowing for termination if the Council decides they wish to discontinue the program.

Council Member Little also expressed that he would like to see the Council negotiate upfront for a contract that can be terminated.

City Manager Davis stated that there will be a lot of data collection on this, allowing the Council to know the success of the project and the specific events of it. A provision for termination can be included in the contract.

City Attorney Holec explained two options, one being that the Council approve the contract tonight and staff would go forward with developing the contract and have it signed. If Council wishes to see what the provisions are as far as termination and costs associated with that, the second option would be to authorize staff to negotiate with RedFlex and bring the contract back to the Council for final approval.

Motion was made by Council Member Little and seconded by Council Member Craft to authorize staff to negotiate with RedFlex and bring the contract back to the Council for final approval. Motion carried unanimously.

Council Member Council stated that Gary Morgan invented the stoplight, and he is an African American.

LICENSE AGREEMENT BETWEEN THE CITY OF GREENVILLE AND THE CITY OF CHARLOTTE TO ALLOW USE OF THE "SAFELIGHT" LOGO FOR THE CITY OF GREENVILLE'S AUTOMATED RED LIGHT ENFORCEMENT PROGRAM - APPROVED

Motion was made by Council Member Dunn and seconded by Council Member Glover to approve the license agreement between the City of Greenville and the City of Charlotte allowing the use of the "SafeLight" logo for Greenville's automated red light enforcement program. Motion carried unanimously. (Contract No. 1307)

REPORT ON BIDS AWARDED

City Manager Davis informed the Council that the following bids had been awarded:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
*12/29/03	3 ea. 2004 Chev. ½ Ton Pickup Trucks	Bobby Murray Chevrolet	\$34,482.00
12/30/03	AS/400 Security Access & Auditing Software	NETIQ	\$32,093.61
*1/15/04	1 ea. 2004 Chev. 2 Ton Dump Truck	Bobby Murray Chevrolet	\$31,361.00

*State Contract Purchases.

COMMENTS FROM MAYOR AND CITY COUNCIL

Zoning Ordinance Amendment Regarding Outside Extreme Sport Ramps - Council Member Craft

Council Member Craft stated that a ramp was built in Tuckahoe Neighborhood. He asked the Council to consider a zoning amendment that would make it a special use and come back with amortization information.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft for staff to draft a zoning amendment that would make extreme sport ramps a special use in neighborhoods. Motion carried unanimously.

Employee Shared Leave Policy - Council Member Little

City Manager Davis reported that the Joint Compensation Committee would consider the Employee Shared Leave Policy. This will be good discussion for the joint City Council/Greenville Utilities Commission meeting.

Council Member Glover stated that she recently attended the Congressional City Conference. The National League of Cities' focus this year is to help cities obtain monies for homeland security.

CITY MANAGER'S REPORT

Good News Report

City Manager Davis commended Andy Harris for 21 great years of service with the City of Greenville.

Consideration of Canceling the Third Meeting of the Month - February 23 at 6:00 PM

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to cancel the February 23, 2004 City Council meeting. Motion carried unanimously.

Discussion of Video Monitors in City Council Chambers

City Manager Davis reported that the video monitors in the Council Chambers are about eight years old. Staff is considering a larger plasma screen.

Other

City Manager Davis reminded the Council that there would not be a Council meeting on March 8.

ADJOURN

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to adjourn the meeting at 11:15 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk